



U.S. DEPARTMENT of STATE

Romania

Country Reports on Human Rights Practices - [2003](#)

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Romania is a constitutional democracy with a multiparty, bicameral parliamentary system. Prime Minister Adrian Nastase is the head of government, and President Ion Iliescu is the head of state. Nastase's Social Democratic Party (PSD) and Iliescu won elections in 2000 that were judged to be generally free and fair. The Constitution provides for an independent judiciary; however, in practice the judiciary remained subject to political influence. Widespread corruption remained a problem, although initial but only partial steps were taken to address the problem.

The National Police are primarily responsible for law enforcement, the gendarmerie for preserving public order, and the Border Police for maintaining border security. The Ministry of Administration and Interior supervises these organizations. The military has primary responsibility for protection against external threats. An internal intelligence service assesses threats to national security, but has no law enforcement powers. Civilian authorities maintained effective control of security and intelligence organizations, although some concerns were expressed regarding the possible misuse of intelligence agencies for political purposes. Some members of security forces committed serious human rights abuses.

The country was a middle-income developing country in transition from a centrally-planned to a market economy. Its population was approximately 21.7 million. Economic activity was primarily in the manufacturing, agriculture, and energy sectors. During the year, economic growth was estimated at 4.8 percent and inflation at 14.1 percent.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police officers sometimes beat detainees and reportedly harassed and used excessive force against Roma. While some progress was made in reforming the police, cases of inhuman and degrading treatment continued to be reported. Investigations of police abuses generally were lengthy and inconclusive and rarely resulted in prosecution or punishment. While civilian courts had jurisdiction over National Police abuses, abuses by other security forces remained in the military court system, where procedures were unnecessarily lengthy and often inconclusive. Prison conditions remained harsh and overcrowding was a serious problem; however, conditions improved somewhat. At times, authorities violated the prohibition against arbitrary arrest and detention.

Government action and inaction at times restricted freedom of speech and of the press. During the year, there was a pattern of intimidation, harassment, and violence against journalists who wrote critical reports on government activities or government and ruling party officials. Religious groups not officially recognized by the Government complained of discriminatory treatment by authorities. Societal harassment of religious minorities, violence and discrimination against women, and restitution of property confiscated during the Communist regime remained problems. There were large numbers of impoverished homeless children in major cities. Discrimination and instances of societal violence against Roma continued. Child labor abuses continued. There were reports of government interference in trade union activity. Trafficking in women and girls for the purpose of prostitution was a problem, which the Government increasingly took steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

In the past, police at times used excessive force that led to the deaths of citizens. An autopsy established trustees and police officers beat Mihai Iorga to death in prison in 2002. Police had stated that Iorga's death was due to an alcoholic coma. No charges had been filed by year's end.

The case of two officers who were demoted and charged with criminal acts in the 2001 beating death of a detainee in Cugir remained pending at year's end.

The non-governmental organization (NGO) Romani CRISS continued to investigate the June 2002 death of 18-year-old Nelu Balasoiu, a Rom, who was found dead in Jilava prison near Bucharest. In December, the prosecutor's office decided not to begin a criminal investigation of the police officers involved in the case, ruling that according to the medical investigations, Balasoiu died because of health reasons and not as the result of the officers' behavior. The family and Romani CRISS planned to appeal the decision.

A military tribunal continued to investigate possible abuse by two police officers in the 2001 beating death of Dumitru Grigoras while in custody in Bacau county.

In October, the Supreme Court sentenced two former agents of the disbanded security service under the Communist regime to 10 years in prison for the 1985 beating death of dissident Gheorghe Ursu. Charges were reduced from murder to inciting murder, and the sentence reduced from 11 years. The two defendants, who had gone into hiding, turned themselves in after the Supreme Court verdict was announced.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were credible reports that police beat detainees and used excessive force. Human rights organizations have cited numerous reports of police torture and mistreatment. The Police Organization Law, which took effect in May 2002, allows the use of firearms against persons fleeing arrest.

Romani NGOs claimed that police used excessive force against Roma and subjected them to brutal treatment and harassment. In June, during a raid in Tulcea, a plainclothes officer beat Mihai Dumitru, who required hospitalization. Responding to a complaint by NGO Romani CRISS, the Ministry of Administration and Interior acknowledged the officer's guilt and announced that the county Council of Discipline of Police Inspectorate would punish him according to the Police Officer's Status Law. The Council had not announced its final determination of punishment by year's end. The case was also referred to court for criminal prosecution; however, it had not been decided by the end of the year. Other examples included: Police beat a married Roma couple in Simleul Silvaniei, Salaj county after the wife refused to sign a report for a fine and the husband went to the police to ask about her; on April 11, a drunk police officer in Parancea, Buzau county beat Lucia Lacatusu, a 19-year-old Rom; and, on June 13, police allegedly beat four Roma from one family. All three cases were under investigation at year's end.

There were no developments in the investigation of the alleged March 2002 police beating of Severius Tanase in Sacele, Brasov county.

The cases of Mugurel Soare, in which an officer was alleged to have used excessive force, and Adrian Georgescu, a gay man who was harassed, were before the European Court of Human Rights (ECHR) at year's end.

Prison conditions remained harsh. There were 45 penal units including 34 prisons, 6 prison hospitals and 3 juvenile detention facilities. Overcrowding remained a serious problem, although there was a slight improvement over 2002. As of December, 43,200 persons, including 876 minors, were in prison or juvenile detention facilities, while the legal capacity of the system is 37,372. To reduce the prison population, the law provides alternative sentences such as community service for minor offenses, which were implemented at times during the year.

Human rights organizations reported that the abuse of prisoners by other prisoners and by authorities continued to be a problem. The "cell boss" system (under which a prisoner could be designated by authorities to be in charge of other prisoners in the same cell) was replaced with an "elected representative" system. While this change improved conditions slightly, each "elected representative" had to be approved by prison authorities, making the system less democratic than expected.

Given limited space available in the prison system, detainees awaiting trial were sometimes held in the same facilities as convicted prisoners. Conditions were roughly the same for both (same food, types of cells, etc.), but detainees were usually kept segregated from the general prison population, and usually enjoyed more frequent access to visitors and generally free access to legal representatives.

Men and women, adults and juveniles, and pretrial detainees and convicted criminals were held separately.

In June, the Government issued an ordinance granting prisoners broader rights regarding information access, correspondence, telephone calls, health care, and visits.

The Government permitted prison visits by human rights observers and media representatives. According to the General Directorate for Penitentiaries, there were 6,653 individual or group visits by media and domestic and foreign NGOs to penitentiaries during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions, unlike in previous years.

The Ministry of Interior and Administration commands the Romanian Police and the Gendarmerie as well as the Border Police, Foreigners Authority, National Office for Refugees, General Direction of Information and Internal Protection (classified information management), Special Protection and Intervention Group, and the Special Aviation Unit. The police are organized into the General (i.e., National) Police Inspectorate, the General Police Directorate of Bucharest, 40 county-level police inspectorates, 8 police inspectorates for transportation, and 3 educational institutions for the training of policemen. Counties are responsible for police units located within their respective geographic areas.

While the police generally followed the law and internal procedures, corruption was a continuing problem. Low-level corruption, the omnipresent "small" bribe, was a main cause of citizens' lack of respect for the police and contributed to a corresponding lack of police authority. Extremely low salaries (sometimes not paid on time) contributed to the susceptibility of individual law enforcement officials to bribes.

The Government addressed these problems by increasing training to create a more professional police force and by punishing corruption. During the year, 1,627 policemen (of whom 450 were officers and 1,175 were agents) were found to have engaged in misconduct, resulting in 1,715 sanctions to 491 officers and 1,224 agents. At year's end, 30 policemen (5 officers and 25 agents) were undergoing criminal prosecution for abusive conduct and abuse of office, and 12 policemen (3 officers and 9 agents) were under criminal investigations for acts endangering life and health.

In June, 50 police officers were transferred for 6 years to the National Anti-corruption Prosecutor's Office to strengthen the institutional framework for fighting corruption and ensure the efficient functioning of the office. The office sought to recruit 10 additional police officers.

In October, the constitutional provisions concerning arrest and detention were amended. Only judges are now permitted to issue arrest and search warrants (previously, prosecutors had this authority). A judge may order temporary detention for periods of 30 or 60 days depending upon the status of the case. The court may extend these time periods; however, pretrial detention cannot exceed 180 days. Pretrial detention counts toward sentence time if a detainee is convicted. Courts and prosecutors may be liable for unjustifiable, illegal, or abusive measures. The law requires authorities to inform those arrested of the charges against them and their legal rights. Police must notify detainees of their rights in a language they understand before obtaining a statement.

The Police Organization Law allows police to take any person who endangers the public, other persons, or the social order and whose identity cannot be established to a police station. Police often used this provision to detain persons up to 24 hours. Minors who were at least 16 years of age were subject to arrest for all offenses; minors between the ages of 14 and 16 were subject to arrest if shown to have full mental capacity; minors under the age of 14 had no penal responsibility. The confidentiality of discussions between detainees and their lawyers was generally respected in practice.

The Government detained asylum seekers indefinitely in some cases (see Section 2.d.).

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice, the judiciary remained subject to political influence. In October, the Constitution was amended to increase the independence of the Superior Council of Magistrates (SCM), the representative body of the judiciary, by increasing its membership from 17 to 19 and diluting the role of the executive branch by, for example, removing the Justice Minister as chair of the SCM. The SCM controls the selection, promotion, transfer, and sanctioning of magistrates. However, the SCM remains vulnerable to political influence because its non-de jure members must be approved by the Senate and its rules allow the executive branch to fill vacancies on an interim basis. The president of the country may attend and chair SCM meetings. The justice minister administratively supervises prosecutors and has the power to open an investigation, but not to dismiss an ongoing investigation.

The Government has taken measures to fight systemic corruption. In April, it passed an anti-corruption package of laws that defined conflict of interest more clearly and more extensively for public officials. The National Anti-Corruption Prosecutor's Office (PNA) is authorized to investigate charges of corruption by high officials or corruption that involved more than approximately \$100,000 (3.5 billion lei) or seriously disturbed the activity of public authorities. Since September 2002, the PNA reportedly investigated or prosecuted 32 judges and 12 prosecutors. Five judges and 2 prosecutors were convicted for corruption; the trials of 12 judges and 4 prosecutors were in the final phase of appeals. Thirty-four notaries and 40 court enforcement officers were also investigated, and 12 notaries and 4 court enforcement officers sent to trial.

A number of parliamentarians have maintained their private legal practices, although the law was revised to limit the kinds of cases they could accept. The media reported allegations that some may have manipulated the legislative process to benefit their private clients. Investigation of parliamentarians was complicated by a system of constitutionally mandated approvals.

The law establishes a four-tier legal system, including appellate courts. Defendants have final recourse to the High Court of Cassation and Justice or, for constitutional matters, to the Constitutional Court. A prosecutor's office is associated with each court. Under constitutional revisions adopted in October, the SCM nominates a candidate for General Prosecutor (who is appointed by the President), who has increased independence in relation to the executive branch. Another constitutional amendment provision allows for the use of the native language of minorities in courts or with authorities.

The Police Officer's Status Law provides for the investigation by civilian prosecutors of crimes by the National Police. Military prosecutors continue to try cases that involve "state security," and the gendarmerie and Border Police continue to fall under military jurisdiction. Human rights NGOs have noted that cases involving the police continue to be tried by military courts. Military court investigations of police abuse were lengthy and not followed by further court actions. Local and international human rights groups have criticized the handling of cases by the military courts, claiming that the military prosecutor's investigations were unnecessarily lengthy and often inconclusive.

The law provides for the right to a fair trial; however, the judiciary suffered from corruption. Defendants are presumed innocent. The law requires that an attorney be appointed for defendants who cannot afford legal representation or are otherwise unable to select counsel. In practice, the local bar association provided attorneys to the indigent and was compensated by the Ministry of Justice. Either a plaintiff or a defendant may appeal. The law provides that confessions extracted as a result of police brutality may be withdrawn by the accused when brought before the court; the practice of extracting confessions through beating occurred occasionally (see Section 1.c.). The judicial system tended to be inefficient and slow.

There were no reports of political prisoners.

Restitution of church, communal, and individual property remained a serious problem marked by a cumbersome administrative process and a slow return of property to owners. The Government took few steps to restore to the Greek Catholic Church properties that were given to the Orthodox Church in the Communist era, returning only 5 properties out of 2,207 requests. In the case of individual properties, the ECHR has ruled on a total of 43 property restitution cases in favor of the former owners who had either been wronged in court or denied restitution on various grounds; 19 of these rulings occurred during the year. The Government generally respected ECHR rulings.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions; however, there were some restrictions. The Constitution provides for protection against the search of residences without a warrant; however, this protection is subordinate to "national security or public order." The law defines national security very broadly and lists as threats not only crimes such as terrorism, treason, espionage, assassination, and armed insurrection, but also totalitarian, racist, and anti-Semitic actions or attempts to change the national borders. Security officials may enter residences without authorization from a prosecutor if they deem a threat to national security to be "imminent;" however, such actions were rare.

The Constitution states that the privacy of legal means of communication is inviolable. However, the law allows the security services to monitor communications on national security grounds after obtaining authorization. The law requires the Internal Intelligence Service (SRI) to obtain a warrant from the "public prosecutor specially appointed by the General Public Prosecutor" for activities involving national security threats. The SRI may legally engage in surveillance, request official documents or information, and consult with technical experts to determine whether a situation constitutes a threat to national security or to prevent a crime.

The law permits citizens access to secret police files kept by the Communist government. Any individual who was a citizen after 1945 is entitled to see his or her file. A council approved by Parliament reviews files and releases the information unless it involves state secrets or threatens national security. The files remained in intelligence service custody. This law has been criticized for exempting files of current intelligence service employees from review and also for restricting the definition of an informer to an individual who received payment for services, making identification of individuals who collaborated with the Securitate for other reasons, such as personal advancement or ideological commitment, impossible. In addition, release of files has been impeded by the inability of the lustration body to meet with a quorum of members. The consistent absence of PSD and PRM members has given rise to speculation that neither of these parties desires to see progress in the release of files. Public criticism of the council by some officials, including the Prime Minister, has further fueled this speculation.

Under new legislation, foreign citizens of certain states, primarily third world countries, must report their presence to police if they stay in private accommodations for 10 days or longer.

Under a government program, Roma living illegally in Bucharest on public land were forced to relocate to their home counties. In April, several dozen Roma living illegally in the outskirts of Bucharest's Militari district were evicted on sanitation grounds, according to local authorities. Roma activists disputed the legal grounds for this act, but did not take legal action.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression and of the press, and the Government generally respected these rights in practice; however, certain legal prohibitions against "defamation of the country" and "offense to authority" potentially limited these rights. While there are no legal limitations on the exercise of press freedom, frequent complaints by ruling party officials suggested that authorities might use punishments, such as heavy fines, abusively to restrict these rights.

In general, journalists and private citizens could criticize the Government and other authorities, including at senior levels, but there were a number of cases in which authorities ridiculed or reprimanded their critics rather than respond to serious issues in substance. In addition, many media outlets--electronic and print--had substantial tax arrears. Fears of government audits and punitive tax actions to collect these arrears inhibited negative coverage of leading government figures.

Independent media continued to grow in an increasingly competitive market. Several hundred daily and weekly newspapers were published. Foreign news publications may be imported and distributed freely, but high costs limited their circulation. Several private television stations broadcast nationwide, and there were numerous other private local television and radio stations. Approximately 4 million households had cable television, giving significant portions of the population access to private and foreign broadcasts. State Television (RTV), Radio Romania, and the Europa FM radio network remained the only national broadcasters able to reach the majority of the rural population. Independent stations continued to enlarge their coverage by over-the-air, cable, and satellite transmissions.

Television remained the most widely available source of information, with almost 80 percent of the population getting their information from television newscasts. A recent research report by the National Audiovisual Council (CNA) claimed that over 85 percent of households had at least one television set.

Print and electronic media coverage generally reflected the political views of owners and covered a wide range of the political spectrum. This trend was more visible in the small cities and rural areas. Private television stations tended to avoid direct criticism of the Government and ruling party, particularly on corruption or other controversial issues. Media monitoring reports suggested that this reluctance to criticize was due to owners' fears that the Government would retaliate by seeking back taxes or auditing stations. State-owned television and radio clearly allocated more broadcast time to the Government and the ruling party than to the opposition. Media NGOs such as the Media Monitoring Agency and the Center for Independent Journalism reported that the prime time newscasts of the four largest television networks (RTV, ProTV, Antena 1, and Prima TV) were generally biased in the Government's favor.

PSD parliamentarians and their political allies also purchased numerous independent media outlets in the provinces, including several British Broadcasting Company (BBC) affiliate stations that, subsequent to their purchase, cut off BBC Romanian Service news programs which had been regularly rebroadcast by several of these stations. In December, RTV cancelled a popular political talk show after Government and ruling party officials repeatedly criticized the program for featuring too many opposition party guests. However, by the end of the year, RTV had significantly improved the accuracy and balance of its news reporting in general and, in October, was named as the television station with the most balanced newscasts by the Media Monitoring Agency (MMA). Antena 1 also changed its editorial policies in the fall and became more critical of the ruling party after its owner, the leader of a minor political party and businessman, withdrew his party from the ruling coalition.

There were reports of harassment, intimidation, various forms of pressure, and violence against journalists who were perceived as overly critical of the Government or ruling party. Some of this pressure allegedly occurred with at least tacit support by local government and party officials. According to the Center for Independent Journalism in Bucharest, there were 10 major incidents involving a total of 14 journalists who were physically attacked during the year.

In February, police officers attacked two reporters of the daily Romania Libera in the city of Sighet after one took a photo of their police car. Police beat and handcuffed one journalist and destroyed film from his camera. In September, the journalists won a lawsuit with the court ruling that the officers had to pay damages to one of the journalists as well as court-related expenses.

In May, PSD officials attempted to pressure a journalist from the respected daily Adevarul to stop his investigation of financial activities in a sector of Bucharest. According to media reports, Bucharest District 5 Mayor Marian Vanghelie told one reporter to stop his investigation or Vanghelie would have his bodyguards follow him. Vanghelie suggested the journalist would end up in a car trunk. Also in May, Tourism Minister Dan Matei Agathon reportedly told an Adevarul correspondent in Constanta that he would cut government advertising from the daily if she did not stop reporting about Agathon's activities and projects on the seaside. Under media pressure, Agathon later apologized.

In November, the Romanian service of the BBC did not renew the contract of a long-serving reporter, Traian Ungureanu. Ungureanu was respected for his political analyses and known for frequent criticisms of PSD policies. Press colleagues believed Ungureanu's removal was linked to these criticisms; the BBC responded by saying that Ungureanu, a 14-year veteran, had failed a routine voice test. Several reporters and an editor at the BBC resigned to protest the dismissal.

In early December, unknown persons severely beat a journalist from the Timisoara bureau of the influential national daily Evenimentul Zilei. While the incident was still under investigation at the end of the year, there were strong indications that the attack was related to the victim's investigative reporting. The reporter had frequently criticized ruling PSD party officials and their business activities in Timis County. The victim sued police, and local officials were critical of law enforcement authorities for lack of progress in the investigation.

Also in December, Csondy Szoltan, a journalist in Miercurea Ciuc for the Hungarian-language paper Hargita Nepe, was seriously injured when he was attacked in the hall of his apartment building. It was the second time that Szoltan was attacked during the year. The journalist was known for his investigations into the city's underworld, in particular for his series on a number of cars that were set on fire earlier during the year in which the main suspect was a local businessman. The MMA urged authorities to investigate the case and warned that police and prosecutors in Miercurea Ciuc were not capable of carrying out their investigations because of pressure exerted by local organized crime.

On December 21, an Antena 1 cameraman was beaten while filming a fire at the villa of former Health Minister Mircea Beuran in the village of Ciolpani. The cameraman suffered several contusions and his leg was put in traction. Local citizens, who were angered by his presence, beat the cameraman; some alleged that the guards at

Beuran's residence began the attack. The journalist was on public property and had not broken any law; he has issued a criminal complaint against his attackers. A local policeman reportedly assisted in the beating and did not intervene to protect the cameraman.

In February, a court sentenced a reporter and the daily *Gazeta de Sud* to pay damages of approximately \$18,000 (600 million lei) to the then prefect of Olt County, Marin Diaconescu of the PSD, for reporting that the prefect was "overwhelmed" by the situation in a local plant. In July, the media reported that unknown persons severely beat two journalists in the Jiu Valley. The journalists were known for their numerous reports on alleged illegal activities by local authorities and miners' leaders in the region.

Laws restricting freedom of speech continued to cause concern among the media and NGOs. While the Chamber of Deputies removed imprisonment as a legal penalty for insulting authorities in 2002, the offense may still be punished with a fine. In addition, the Government retained a prison term (2 to 24 months) for libel, which could be increased to 3 to 36 months if the libel was directed at public officials. Article 168 of the Penal Code provides criminal penalties for spreading false information aimed at attacking national security.

There were allegations of pro-Government bias and self-censorship inside the state-owned Radio Romania. In one case, an employee accused the Director General of censoring her newscasts by ordering the removal of any story critical of the Government or the PSD and claimed she was forced to retire. The Director General maintained that the employee was from the Communist-era old guard and opposed programming reforms to make the radio more competitive and responsive to its listeners. He also claimed she had reached the mandatory retirement age of 57 and denied the censorship charge. At the private station Europa FM, three senior news department members resigned in April after accusing the owner of political manipulation of news broadcasts.

There were cases of journalists who criticized PSD leaders being forced to leave their jobs. In Targu-Jiu, Gorj County, the editor and producer at local TV station RCS left her job in March after her show was cut off in mid-broadcast while she was discussing corruption scandals involving local leaders. The RCS board told her that their editorial policy did not allow any information that might put local authorities in a negative light. The journalist sued the CNA for not taking action against RCS's censorship policies; the trial was ongoing at year's end.

The Government privatized the state-owned newspaper and magazine distribution company Rodipet in December. Prior to privatization, the company, which previously had a monopoly on newspaper and magazine distribution, was exposed to new competition from other smaller companies, including a distribution company owned by several daily newspapers. While some distribution problems persisted in remote areas, cities experienced full distribution of newspapers.

The Government did not restrict access to the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected that right in practice. The law provides for unarmed citizens to assemble peacefully, but states that meetings must not interfere with other economic or social activities and may not be held near locations such as hospitals, airports, or military installations. Permits are not required to assemble in some public places. However, demonstration organizers must apply for a permit in advance. Authorities may prohibit a public gathering by notifying the organizers in writing within 48 hours of receipt of a permit request. The law prohibits counter demonstrations that coincide with scheduled public gatherings. The law prohibits fascist, communist, racist, or xenophobic symbols (such as statues of war criminals on public land), ideologies, or organizations. Unauthorized demonstrators may be fined.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Political parties are required to have at least 25,000 members to have legal status, a number that some NGOs have criticized as being inordinately high.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, there were some restrictions, and several minority religious groups continued to claim credibly that government officials and Romanian Orthodox clergy impeded their proselytizing and interfered with other religious activities.

The Government requires religious groups to register. Representatives of religious groups that sought recognition

alleged that the process was arbitrary, and that they did not receive clear instructions concerning the requirements.

The Government gives the highest level of recognition to 17 religions, which are eligible to receive state financial support. These recognized religions have the right to establish schools, receive funds to build churches, pay clergy salaries with state funds, subsidize clergy housing, broadcast religious programs on radio and television, apply for broadcasting licenses for denominational frequencies, and enjoy tax-exempt status.

In May, the Government issued an order to comply with a 2000 Supreme Court ruling mandating the highest level of recognition to the Jehovah's Witnesses. The Jehovah's Witnesses were the first group to gain this status since 1989.

The Government also registered religious groups as either religious and charitable foundations or as non-profit cultural associations. In a January decree, the Government reestablished mandatory approval by the State Secretariat for Religions for the registration of religious associations.

The law provides for peaceful religious assembly; however, several minority religious groups complained that, on various occasions, local authorities and Orthodox priests prevented religious activities from taking place, even when their organizers had been issued permits. The Evangelical Alliance reported difficulties obtaining approval to use public halls for religious activities following pressure by Orthodox priests. In some cases, Orthodox priests incited the local population against activities by the Seventh-day Adventist Church and members of Jehovah's Witnesses. The press reported several instances of Romanian Orthodox clergy harassing members of other faiths, such as pressuring non-Orthodox school children to attend Orthodox religion classes or not allowing members of religious groups to proselytize near Orthodox churches.

Government building permit regulations do not differentiate between level of registration of religions in terms of what they are allowed to build as places of worship. Although most minority religious groups declared that they had received permits to build places of worship without difficulty, some made credible complaints that permits were unduly delayed.

Several religious groups made credible complaints that low-level government officials and Romanian Orthodox clergy impeded their efforts to proselytize, interfered in religious activities, and otherwise discriminated against them during the year. In some instances, local police and administrative authorities tacitly supported societal campaigns against proselytizing that at times were violent. In some localities, legal proselytizing was perceived as being directed at adherents of established churches, and conflicts occurred. Members of Jehovah's Witnesses and the Seventh-day Adventist Church reported such cases.

Religions with the highest level of recognition have the right to teach religion in public schools; however, a number of religious groups, including the Evangelical Alliance and the Seventh-day Adventist Church, reported that they had been unable to hold classes because of the Orthodox clergy's influence. Additionally, the Seventh-day Adventist Church reported cases of Adventist children who were pressured to attend Orthodox religion classes.

Up to March 2002, religious groups submitted 7,568 property restitution claims. Before 2002, the Government returned a small number of religious and communal properties to their owners by decree. In June 2002, Parliament passed a law restituting large numbers of religious properties, but not places of worship. Religious minorities frequently did not succeed in regaining possession of these properties, since many housed state offices, schools, hospitals, or cultural institutions that would require relocation, and lawsuits and protests by occupants delayed their physical return. A national commission began operation in June to consider restitution on a case-by-case basis. This process of systematic religious property restitution resulted in the return of 200 buildings since June.

The Greek Catholic, or Uniate, Church made only limited progress in recovering properties taken by the Romanian Orthodox Church after their forced merger in 1948. The exclusion of places of worship from the June 2002 restitution law primarily affected Greek Catholics; churches of other faiths generally were not seized by the Communists. Of the approximately 2,600 Greek Catholic churches and monasteries taken, only a handful have been returned. Apparently to avoid restitution, the Orthodox Church demolished many Greek Catholic churches under various pretexts, such as being structurally unsafe.

The historical Hungarian churches, including the Hungarian Roman Catholic and the Hungarian Protestant Reformed, Evangelical, and Unitarian churches, received only a small number of their properties back. Of 1,630 buildings confiscated from these churches, approximately 20 were returned. The Jewish community received 42 buildings by government decree, but has obtained full or partial possession of only 27.

The "New Right" (Noua Dreapta) organization (a small extremist group with nationalistic, xenophobic views) continued to harass verbally, and sometimes physically, members of the Church of Jesus Christ of Latter-day Saints in cities, including Bucharest and Iasi. Many representatives of minority religions credibly complained that private and governmental organizations operating hospitals, children's homes, and shelters for the elderly often permitted only Orthodox priests to provide religious assistance in them. Charitable activities by minority churches in children's homes and shelters often were interpreted as proselytizing. Orthodox priests reportedly denied permission to the Christian Evangelical and the Seventh-day Adventist churches to bury members in several rural localities; it was not clear whether church or public cemeteries were involved.

The extremist press continued to publish anti-Semitic articles. The Legionnaires (Iron Guard), an extreme nationalist, anti-Semitic, pro-Nazi group, continued to republish inflammatory books from the interwar period. Extremist publicists made repeated attempts to deny that Holocaust activities occurred in the country or in Romanian-administered territory, a view that was also expressed by members of the extremist Greater Romania Party (PRM). Religious services to commemorate legionnaire leaders continued to be held in Orthodox churches. During the year, a Jewish cemetery was desecrated in one locality. There were no developments in the 2000-2001 desecrations of Jewish synagogues and cemeteries.

In June, the Government denied the occurrence of the Holocaust within Romania's World War II borders in a communique, but subsequently retracted the statement and assumed responsibility for the pro-Nazi regime's crimes against Jews. Although government spokesmen claimed that the phrase containing the denial had been inserted by someone not authorized to do so, the person responsible was neither identified nor reprimanded. In July, in an interview with an Israeli newspaper, President Iliescu appeared to minimize the Holocaust by claiming that suffering and persecution was not unique to the Jewish population in Europe. He later said that his interview had been presented in an incomplete and selective way. In September, the Government released a 152-page teaching manual for schools that dealt with Holocaust denial and provided figures for the number of Jews killed, details about concentration camps, death chambers, and the persecution of Roma, homosexuals and Jehovah's Witnesses. Anecdotal information suggested that schools have only slowly started to discuss Romania's involvement in Holocaust-related atrocities. In October, the Government established an International Committee on the Holocaust in Romania to analyze and to improve public understanding of Holocaust events in the country. The Committee was charged with submitting a report on its findings in 2005.

In July, a Brasov resident was given a suspended 2 1/2-year sentence for nationalist-chauvinistic and fascist propaganda.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government also provides temporary protection to individuals who do not qualify as asylees or refugees. Under a 2002 government emergency ordinance, foreigners may not be expelled to a country where their life is jeopardized.

During the year, the National Office for Refugees received 885 applications for asylum and 192 applications submitted for the second time. Most of the applicants came from Iraq (329), China (204), and India (157); 326 entered the country illegally. During the same period, 206 applications were approved. The Government funded programs to integrate refugees into society; refugee-focused NGOs developed similar programs. However, programs for integrating refugees developed slowly. There were two shelters that could accommodate 750 refugees in Bucharest and a 20-bed shelter at Otopeni Airport. An additional shelter that could accommodate 60 minors was completed in Bucharest during the year. Two shelters for 500 people were under construction in Galati and Timisoara. There were no voluntary repatriations during the year.

The law establishes a refugee office in the Ministry of Administration and Interior to receive, process, and house asylum seekers. The Ministry of Administration and Interior and the Labor Ministry funded programs to assist asylum seekers and refugees, although some experienced repeated administrative difficulty in obtaining regularized protected status due to Government requests for substantial documentation. Government financial support (reimbursable loans for 6 to 9 months) was minimal and usually not enough to cover basic needs. An

increasing number of illegal migrants regarded the country as a transit point to other countries.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The October 18-19 referendum on proposed amendments to the Constitution was characterized by widespread efforts by government officials to ensure the minimum 50 percent voter turnout required for the referendum to be legally valid was met. Civic action groups reported some notable irregularities, including political pressure on and by locally elected leaders and special lotteries and other material incentives provided to bring out the vote. There were also reports of some ballot boxes being moved from polling stations and taken to other locations to increase voter turnout.

In 2000 elections that were judged to be generally free and fair, the center-left PSD won a near majority in the legislature and the PSD candidate, Ion Iliescu, won the presidency. The PSD formed a minority government with support from the Democratic Union of Hungarians in Romania (UDMR). The extremist, xenophobic Greater Romania Party (PRM) won the next largest share of parliamentary and presidential votes. Allegations of widespread vote fraud by the losing PRM candidate, Corneliu Vadim Tudor, were not judged by observers to be credible.

While there are no legal restrictions on women's participation in government or politics, societal attitudes were a significant barrier. In Parliament, there were 38 out of 345 deputies and 12 out of 140 senators who were women; members are elected by party lists and not directly by constituents. Three of the 25 original cabinet members and 2 of the 21 re-shuffled (June) cabinet members were women. Women in general voted in the same proportion as men. None of the 42 county prefects (appointed representatives of the central government) were women.

The Constitution and law grant each recognized ethnic minority one representative in the Chamber of Deputies, provided that the minority's political organization obtains 5 percent of the votes needed to elect a deputy outright. Organizations representing 18 minority groups were given deputies under this provision in 2000. Ethnic Hungarians, represented by the UDMR, obtained parliamentary representation through the normal electoral process. Roma were underrepresented in Parliament; low Roma voter turnout and internal divisions within the Roma community worked against the consolidation of votes for any single candidate, organization, or party. There were two Romani parliamentarians. The former Romani minority representative joined the PSD and sat in the Chamber of Deputies, while the Constitution and electoral legislation allowed an additional seat for the Roma. In 2002, the PSD signed a 2-year protocol of cooperation with the German minority. During the year, the PSD renewed protocols of cooperation with the Hungarian and Roma minorities signed in 2002.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to NGOs, although some offices were slow to respond to inquiries.

Domestic human rights monitoring groups included APADOR-CH, the independent Romanian Society for Human Rights (SIRDOR), the League for the Defense of Human Rights (LADO), the Romanian Institute for Human Rights, and several issue-specific groups such as the Young Generation of Roma and Romani CRISS. Other groups, such as political parties and trade unions, also monitored the observance of human rights. These groups, as well as international human rights organizations, functioned freely without government interference.

An Ombudsman's Office worked to protect citizens from abuse by public officials. By September, it had received 5,400 complaints, many of which were rejected because they involved problems with the judiciary and not the administration. The office, which dealt not only with human rights, but with all facets of citizens' interaction with the Government, was only moderately effective due to its limited authority and resources.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution forbids discrimination based on race, nationality, ethnic origin, language, sex, opinion and political allegiance, wealth, or social background; however, in practice the Government did not enforce these provisions

effectively, and women, Roma, and other minorities were subject to various forms of discrimination.

An emergency ordinance passed in January 2002 prohibited discrimination based on a number of factors and established the ability to sue on the grounds of discrimination. The National Council on Combating Discrimination, the agency enforcing the ordinance, was established on July 31. In August, a new ordinance increased fines for discriminatory acts up to approximately \$1,200 (40 million lei).

According to the National Union of Organization of Persons Affected by HIV/AIDS (UNOPA), the principle of confidentiality and the right to work were sometimes disregarded in cases of persons with HIV. For example, some employees reportedly were hired and fired according to their HIV status in violation of the labor laws.

Women

Violence against women, including rape, continued to be a serious problem. Both human and women's rights groups reported that domestic violence was common. According to a 2002 U.N. survey, 45 percent of women have been verbally abused, 30 percent physically abused, and 7 percent sexually abused. In May, a law was adopted that made police intervention possible in domestic violence cases. There is no specific law to address spousal abuse or rape. The prosecution of rape cases was difficult because it required both a medical certificate and a witness, and a rapist could avoid punishment if he married the victim. The successful prosecution of spousal rape cases was almost impossible. A law passed in January mandated the same penalties for rape and sexual abuse without regard to the victim's gender.

There were reports of trafficking of women (see Section 6.f.).

The Constitution grants women and men equal rights; however, in practice the Government did not enforce these provisions, nor did authorities focus attention or resources on women's issues.

The law prohibits any act of gender discrimination, including sexual harassment. Few resources were available for women to deal with economic discrimination. Despite existing laws and educational equality, women had a higher rate of unemployment than men, occupied few influential positions in the private sector, and earned lower wages. A department in the Ministry of Labor and Social Protection advanced women's concerns and family policies. It organized programs for women, proposed new laws, monitored legislation for sexual bias, targeted resources to train women for skilled professions, and addressed the problems of single mothers, especially in rural areas. There is an Ombudsman in the Department for Child, Woman, and Family Protection to resolve complaints of discrimination.

Children

The Government administered health care and public education programs for children, despite scarce resources that limited the availability of services. International agencies and NGOs supplemented government programs in these areas.

Education was free and compulsory through the eighth grade. After the eighth grade, schools charged fees for books, which discouraged attendance for lower income children, particularly Roma. During the 2001-2002 school year, approximately 96 percent of primary school-age children attended school, including kindergarten. Boys and girls generally received the same treatment in schools. The Ministry of Education reported that the dropout rate in the 2000-2001 school year was approximately 0.6 percent.

UNOPA reported that there were repeated interruptions in treatment for AIDS patients, mostly children, in the health system. The unnecessary discontinuity of treatment was more harmful than non-treatment and increased the potential of drug resistance development.

Laws to protect children from abuse and neglect were inadequate, and there were reports that abuse of children was a problem. While there are criminal penalties, there was no consistent policy or procedure for reporting child abuse and neglect and no system for treating families who abuse their children. In 2001, the National Authority for Child Protection and Adoption informally counted child abuse events reported by the Departments of Child Protection in each county and determined that there were a total of 1,770 physical abuse cases and 183 sexual abuse cases. A task force coordinated by the National Authority is developing standards, training, policies, and procedures for dealing with the problem.

Although illegal, marriages between Roma children under the age of consent were common. In October, the Government ordered a 12-year-old Roma girl and a 15 year-old Roma boy separated and all intimate relations between them halted after a highly-publicized marriage. However, human rights groups reported that such marriages continued, frequently without notice or intervention by authorities.

Trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

The numbers of children reported in care institutions varies considerably because there is no detailed and standardized reporting system. In addition to increasing the use of foster care and care within the extended family, the National Authority for Child Protection and Adoption helped finance the creation of community alternatives to state child care institutions. The former camine spital (specialized medical placement units), which were the last to be transferred to the National Authority for Child Protection and Adoption, continued to have the worst conditions.

Living conditions have improved in most child care institutions in recent years. The EU Report for Romania released during the year noted significant progress in the reform of child protection. More than half of the 86,000 children in public care were placed with families (extended family, foster care), while 37,000 children remained in residential care (including special schools). A methodology for the closure of large residential institutions had been developed and was being implemented; 54 large institutions had been closed. By June, a total of 776 units providing alternative child-protection services had been established (mother and baby centers, family type homes, counseling services). While some 120 large institutions remained, the report noted that the majority had been restructured into family-type modules and material living conditions were generally appropriate.

The EU Report for Romania also noted that the situation of children with disabilities has also improved. The majority of the old style residential institutions had been closed or restructured, while preparations were underway to close the remaining inappropriate institutions. A growing number of services were available to support children with disabilities and their families so that children do not have to be placed out of home.

Numbers of impoverished and apparently homeless children were seen on the streets of the larger cities. While the Government did not have statistics defining the scope of the problem nationwide, police reports and social workers' estimates placed the number of street children nationwide at 1,500. However, this number was lower than had been estimated in the past and questionable, given that street children were extremely difficult to count.

Approximately half of the children remaining in the large childcare institutions were between the ages of 14 and 18. Without changes to the system, a significant number were likely to leave these institutions with no skills and employment and no ability to earn a living or obtain housing. There was no systematic provision of labor market information, skills training, or job placement services for these young persons and there was a high probability that they would gravitate to the streets, engaging in prostitution or crime. In 2002, a greater emphasis began to be placed on this group with programs being developed to aid the integration of its members into society. In March 2002, the Government passed Law 116, which mandates that the National Agency for Employment provide up to 75 percent of the median national salary to employers for hiring persons between 16 and 25 years who are at risk of social exclusion.

NGOs working with children remained particularly concerned about the number of minors in prison (see Section 1.c.). These NGOs continued to seek alternative solutions to sending juveniles to prison, such as parole. Because time served while awaiting trial counts toward prison sentences, but not toward the time to be served in a juvenile detention center, some minors actually requested prison sentences.

Persons with Disabilities

Difficult economic conditions and serious budgetary constraints contributed to harsh living conditions for those with physical or mental disabilities. Outside of large institutions, social services for persons with disabilities were almost nonexistent. Many persons with disabilities could not make use of government-provided transportation discounts because public transport did not have facilitated access. The law does not mandate accessibility for persons with disabilities to buildings and public transportation.

National/Racial/Ethnic Minorities

In June, the Department for Interethnic Relations and the National Office for Roma were placed under the General Secretariat of the Government. These offices were responsible for monitoring the problems of ethnic minorities, maintaining contacts with minority groups, submitting proposals for draft legislation and administrative measures, maintaining links with local authorities, and investigating complaints.

Ethnic Hungarians are the largest minority community, with 1,434,377 members according to the 2002 census. Their UDMR party was in de facto political alliance with the ruling minority PSD Government after signing a protocol of cooperation with the PSD in February.

A government decree permits students in state-funded primary and secondary schools to be taught in their own language, with the exception of secondary school courses on the history and geography of the country. In the Moldavia region, some in the Roman Catholic Csango community, who speak an archaic form of Hungarian, repeatedly complained that there was no schooling available in their language. They established two groups with Hungarian as the maternal language in schools in Pustiana and Cleja.

According to the final results of the 2002 census, the Roma population numbered 535,250, or 2.5 percent of the population. Some observers, including the European Commission, estimated that the Roma population was actually between 1.1 and 1.5 million. Roma groups complained that police brutality, including beatings and harassment, was routine (see Section 1.c.). Under a government program, Roma living illegally in Bucharest on public land were forced to relocate to their counties of origin (see Section 1.f.). According to the Government, only 27 percent of Roma had steady jobs and only half of those jobs were considered skilled. Illiteracy among Roma older than 45 years of age was approximately 30 percent.

The National Council on Combating Discrimination received 456 public complaints during the year, of which 314 were resolved. In another 61 cases, the Council decided to take action on its own initiative. Of the total number of 517 cases, 96 involved discrimination on ethnic grounds. Of these, over half of complaints involved discrimination against Roma. The Council levied and collected fines in 28 cases, the largest amounting to approximately \$600 (20 million lei). The Council set up a National Anti-Discrimination Alliance, a forum for discussion with NGOs, in March and drafted a National Anti-Discrimination Plan in September.

While the Government reported that 60 percent of the goals of the 2001 National Strategy for the Improvement of the Situation of Roma were achieved, Roma NGOs asserted that, with the exception of the establishment of bodies to implement the strategy, there were few practical achievements. The National Office for Roma maintained a database on the living conditions and needs of the Roma community. However, the National Office was understaffed and its approximately \$1.7 million (56 billion lei) budget was insufficient to fully implement the strategy.

The Roma population continued to be subject to societal discrimination. The National Council on Combating Discrimination fined two private companies approximately \$60 and \$240 (2 and 8 million lei) for denying access to Roma. Some schools, such as in Cehei, Salaj county, segregated Roma children. Following a complaint by Romani CRISS to the Ministry of Education, the situation was partially resolved by year's end.

At the end of November, the ruling PSD signed an agreement of cooperation with the Roma Party. It called for the continued monitoring of the Roma situation, the hiring of Roma in state institutions, and programs to educate the public about racism and discrimination.

A partnership protocol that sets forth cooperative measures between the Health Ministry and the Roma Party to ensure that Roma have access to health care continued during the year. The protocol helped resolve most complaints of discrimination against Roma in the health system and led to several vaccination campaigns for Roma children. Romani CRISS maintained a training program (with private funding) in cooperation with the Ministry of Health for Roma medical-social mediators, and 160 such mediators were hired by the Directorate of Public Health.

A survey by the Press Monitoring Agency in June-July showed that approximately 80 percent of the television news on Roma concerned conflict-generating events, such as illegal migration and police raids in Roma communities, and used images reflecting stereotypes.

Section 6 Worker Rights

a. The Right of Association

All workers, except certain public employees, have the legal right to associate freely and to form and join labor unions without previous authorization, and they freely exercised this right. The new Trade Union Law, which took effect in February, improved legal guarantees of the right of association, allowing public employees and farmers to form or join unions. A minimum of 15 persons of the same profession can set up a union organization, even if they work for different employers. Ministry of Defense, Ministry of Administration and Interior, and intelligence personnel are not allowed to unionize.

The majority of workers belonged to approximately 18 national trade union confederations and smaller independent trade unions. Trade unions may acquire property, support members' exercise of their profession, establish mutual insurance funds, print publications, set up cultural, teaching, and research bodies, establish commercial enterprises and banks, and borrow money. Workers may not be forced to join or withdraw from unions, and union officials who resign elected positions and return to the regular work force are protected against employer retaliation.

The right to form unions generally was respected in practice. However, some employers created enterprise-friendly "yellow unions." Anti-union employers--usually foreign companies--could make employment conditional upon a worker agreeing not to create or join a union. Unions reported that the Government interfered in trade union activities, collective bargaining, and strikes, and alleged that union registration requirements were excessive.

The law prohibits antiunion discrimination, and the Government generally respected this prohibition in practice.

Past studies indicated that labor laws fell short of International Labor Organization (ILO) standards in areas such as election of union representatives, arbitration, liability of strike organizers, the restriction of eligibility for trade unions, and the restriction of eligibility for trade union membership and offices. Most of these issues were resolved by the new Labor Code and the Trade Union Law. Draft texts of the laws were sent to the ILO for review and comment, and the final texts included most of the ILO's recommendations.

The law stipulates that labor unions should be free from government or political party control, a provision that the Government generally respected in practice. Unions were free to engage in political activity and did so.

Labor unions may form or join federations and affiliate with international bodies. The National Confederation of Trade Unions-Fratia and the National Union Bloc are affiliated with the International Confederation of Free Trade Unions and the European Trade Union Confederation. The Confederation of Democratic Trade Unions of Romania and Cartel Alfa are affiliated with the World Labor Confederation. Representatives of foreign and international organizations freely visited and advised domestic trade unionists.

b. The Right to Organize and Bargain Collectively

Workers have the right to bargain collectively, but collective bargaining was hindered by state control of many industrial enterprises and the absence of independent management representatives at these entities. Although the law supports collective bargaining as an institution, resulting contracts were not consistently enforceable. Basic wage scales at state-owned enterprises were established through collective bargaining with the Government. Public employees could bargain for everything except salaries, which were set by the Government. Unions claimed that downsizing decisions resulting from agreements with international financial institutions violated labor agreements.

The collective labor dispute law establishes the conciliation, mediation, and arbitration procedures that must be followed during strikes. The law provides for establishment of tripartite arbitration panels from arbitrators approved by the Economic and Social Council, where trade unions and employers associations each have one-third of the membership. Nevertheless, mediation capability has not developed fully. Local panels were poorly trained, and unions continued to take disputes to the Government for resolution.

Neither the new Labor Code nor the new Trade Union Law changed lengthy and cumbersome requirements that make it difficult to hold strikes legally. Unions may strike only if all conciliation means have failed, and the employer is given 48 hours notice. Strikes can only be held to defend the workers' economic interest and not for political reasons. Companies can claim damages from strike initiators if a court deems a strike illegal. Unions complained that they must submit their grievances to government-sponsored conciliation before initiating a strike, and that the courts had a propensity to declare illegal the majority of strikes. Judges, prosecutors, and related Ministry of Justice staff are prohibited to strike, as are Ministry of Defense, Ministry of Administration and Interior, and intelligence service employees. As in the past, fear of job losses due to privatization motivated many strikes. The Government took unions' concerns into account in its privatization strategies.

Labor unrest continued at the Resita steel plant.

Labor legislation is applied uniformly through the country, including in the 6 free trade zones and the 31 disadvantaged zones.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, including by children; however, there were reports of Roma children involved in child labor and trafficking (see Sections 6.d. and 6.f.).

The Ministry of Labor, Social Solidarity and Family is responsible for enforcing the law.

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum employment age is 16 years, but children may work with the consent of parents or guardians at age 15, although only "according to their physical development, aptitude, and knowledge." Minors are prohibited from working in hazardous conditions. Violations of the child labor laws are punishable by imprisonment for periods of 2 months to 3 years. Working children under the age of 16 have the right to continue their education, and the law obliges employers to assist in this regard. The Ministry of Labor and Social Protection has authority to impose fines and close factories to ensure compliance with the law.

A department in the Office of the Prime Minister is responsible for child protection. The Government established organizations in the counties and in Bucharest to enforce child welfare laws. The roles and responsibilities of the agencies that enforce child labor laws remained ill defined, and these laws were often enforced only when a particularly grave case became public. Despite the prevalence of child labor, there were no reports of anyone being charged or convicted this year under any of the child labor laws.

There were no accurate statistics on illegally employed children. Child labor, including begging, selling trinkets on the street, or washing windshields, remained widespread in the Roma community; these children could be of any age.

There was recognition of the problem, and the country continued to show progress in eliminating the worst forms of child labor. Child labor legislation was adequate, but enforcement tended to be lax except in extreme cases, most notably those that attract media attention, such as a case in which children had been "sold" by a rural family to work on a pig farm. The case only came to light when one of the children was grievously injured and had to receive medical care.

A memorandum of understanding between the Government and the ILO on the elimination of child labor was extended for 5 years in June 2002. With ILO support, the Government began implementing a comprehensive International Program on the Elimination of Child Labor (IPEC). The program encompassed measures to: Prevent the increase of child labor in both urban and rural areas; build the capacity of government and non-government agencies to address child labor cases; research the extent and nature of the child labor problem; and raise public awareness. The program's strategy was to identify vulnerable groups and initiate measures in partnership with government agencies, trade unions, universities, and NGOs.

During the year, the National Steering Committee of the Ministry of Labor, Social Solidarity and Family developed a national action plan on child labor. Under the plan, units were established to investigate and monitor child labor, a national advisory group set up to disseminate information, and inter-sectoral teams established in Bucharest and 18 counties.

e. Acceptable Conditions of Work

Most wage rates were established through collective bargaining at the enterprise level and based on minimum wages for specific economic sectors and categories of workers. The Government set these minimums after negotiation with industry representatives and labor confederations. Minimum wage rates generally were observed and enforced. During the year, the minimum monthly wage was raised from approximately \$53 (1,750,000 lei) to approximately \$72 (2.5 million lei). The minimum monthly wage did not provide a decent standard of living for a worker and family. Prices for utilities continued to rise, but basic food and pharmaceutical products were subsidized. Housing was priced by the market.

A new Labor Code took effect on March 1. The Code was expected to be further refined in approximately 16 subsequent special laws. The Labor Code provides for a standard workweek of 40 hours or 5 days, with overtime paid for weekend or holiday work or work in excess of 40 hours, but not to exceed 48 hours, per week. The Code requires a 24-hour rest period in the workweek, although most workers received 2 days off per week. Paid holidays range from 18 to 24 working days annually, depending on the employee's length of service. The law requires employers to pay additional benefits and allowances to workers engaged in particularly dangerous or difficult occupations.

Neither the Government nor industry, much of which is still state owned, had the resources to improve workplace

health and safety conditions significantly. The Ministry of Labor, and Social Solidarity and Family established and enforced safety standards for most industries. However, it lacked trained personnel for enforcement, and employers often ignored its recommendations. Workers have the right to refuse dangerous work assignments, but seldom invoked it in practice.

After a 2001 explosion killed 10 workers in the port of Constanta, shipyard workers protested the lack of safety equipment and management violations of safety procedures. A government delegation led by Privatization Minister Musatescu mediated talks between workers and management; the situation remained unresolved at year's end. The mining industry particularly continued to be unsafe.

f. Trafficking in Persons

The law prohibits trafficking; however, trafficking in persons continued to be a serious problem. There were some reports of police involvement in trafficking.

A 2001 law prohibiting trafficking took effect on February 6. It defines trafficking as the use of coercion to recruit, transport, harbor, or receive humans for exploitation. Coercion includes fraud or misrepresentation. Exploitation includes slavery, forced labor, prostitution, performance in pornographic films, organ theft, or other conditions that violate human rights. For minors under the age of 18, it is not necessary to prove coercion.

The law provides for 3 to 12 years' imprisonment for trafficking in minors between 15 and 18 years of age. Sentences are increased to 5 to 15 years for trafficking in minors under age 15, if there are two or more victims, or if a victim suffers serious bodily harm or health problems. The sentence for trafficking that leads to the death or suicide of the victim is 5 to 25 years. These penalties are increased by 3 years if the trafficker belongs to an organized crime group and by 2 years if coercion is applied against minors. Consent of a trafficked person does not exempt the trafficker from liability.

The Government increased its efforts against trafficking and police officers continued to pursue cases via their Human Trafficking Task Force. The police assigned 15 officers at headquarters in Bucharest and over 87 officers in 15 zonal centers across the country to investigate trafficking. Of the 87 officers assigned to zonal centers, 42 were women who had received training in anti-trafficking procedures. They continued to expand interagency and local resources assigned to trafficking, and the Government established itself as a strong participant in regional law enforcement cooperation. During the first 6 months of the year, police identified a total of 658 trafficking crimes. A total of 488 individuals were under investigation for violations connected with trafficking, and, as of June, police had arrested 130 suspects and dismantled 184 trafficking networks. Authorities obtained 9 final convictions under the new trafficking law (for cases in 2001 and 2002) with 7 years given as the maximum sentence for each offense. This contrasted with 2002, when police identified 459 crimes and investigated 420 persons. The Government reported 50 anti-trafficking convictions during the year, compared with none the year before.

In September, press reports indicated that French police arrested 67 adults in a Roma encampment outside Paris and charged them with organizing sexual enslavement of Roma children allegedly kidnapped from the country and brought to France to steal and prostitute themselves.

Starting in 2001, the Prosecutor General's office assigned prosecutors throughout the country to prosecute trafficking and related cases. A handful of prosecutions occurred for pimping offenses. Prosecutions based on indictments under the new trafficking law continued.

During September, the Government participated in the launch of the SECI Regional Anti-Crime Center's Operation Mirage 2003. The success of Operation Mirage in the summer of 2002 led to this second effort at an aggressive and active regional operation to counter trafficking and illegal migration in the Balkans. During the operation, police in the country checked 5,920 controlled places (such as night clubs, discotheques, restaurants, and border crossing points), identified 463 victims and 595 traffickers, initiated 319 criminal procedures, and arrested or charged 207 traffickers.

The country was an origin and transit point for trafficked women and girls from Moldova, Ukraine and other parts of the former Soviet Union to Bosnia, Serbia and Montenegro (including Kosovo), Macedonia, Turkey, Albania, Greece, Cyprus, Italy, France, Germany, Hungary, the Netherlands, Poland, the United Arab Emirates, Japan, and Cambodia for sexual exploitation. Since trafficking patterns are changing, the International Organization for Migration (IOM) noted that it was not possible to estimate accurately the number of trafficked women for the year. Iasi and Timisoara remained major transit centers. Trafficking routes generally went from the border with Moldova to all Balkan countries. While victims were primarily women and girls trafficked for sexual exploitation, there were

reports that men were trafficked to Greece for agricultural labor.

Often women were recruited by persons they knew or by newspaper advertisements. A friend or relative would make the initial offer, often telling the victim that she would obtain a job as a baby sitter or waitress. According to the IOM, most women were unaware that they would be forced into prostitution. A minority of trafficked women were sold into prostitution by parents or husbands or kidnapped by trafficking rings. Government officials reported that trafficking rings appeared to be operated primarily by citizens; several domestic prostitution rings were active.

The IOM reported that it assisted 159 trafficking victims, all but two of whom were female, during the year. Of those, 145 were repatriated and 14 provided with integration assistance. Since 2002, the NGO Save the Children dealt with 40 cases related to trafficking, 10 of which involved children. Save the Children noted that trafficking of persons to serve as beggars in Western Europe and the United States continued to be a problem.

The country had approximately 35,000 children in orphanages, some of which reportedly paid insufficient attention to the dangers of girls being trafficked from their facilities. Persons forced out of orphanages between the ages of 16 and 18 often had no identity documents, very little education, and few, if any, job skills. NGOs believed that many girls from orphanages were unaware of the danger and fell victim to trafficking networks.

The Government continued to recognize that corruption in the police, particularly local forces, is a problem. During the year, 2 border police officers were investigated for corruption crimes related to trafficking and removed from duty at Otopeni Airport; 13 Border Police officials (4 from the eastern border, and 9 from the western) were also under investigation for corruption crimes related to trafficking at year's end. Training and personnel changes continued, and most police acknowledged that the country is a source of trafficked victims. Police continued to investigate suspected trafficking through border crossing checks. Border Police questioned victims and attempted to identify traffickers. Organized Crime Directorate officers assigned to investigate trafficking questioned suspects that were identified by victims.

The law requires the Government to protect trafficking victims and authorizes undercover operations and electronic surveillance against traffickers. The law also eliminates criminal penalties for prostitution if the victim turns in or cooperates in the investigation of traffickers.

The Government generally provided little aid to repatriated victims. The IOM, the Ministry of Administration and Interior, and a small number of local NGOs dealt with trafficking issues. The IOM and the Ministry operated a shelter in Bucharest for up to 10 victims with the assistance of Romanian Orthodox Church social workers, NGOs in Bucharest, and the National Office for Refugees. The NGO Reaching Out operated a shelter in Pitesti and the local NGO Alternative Sociale opened a shelter in Iasi with the IOM and Greek Orthodox Church support.

During the year, numerous media stories and anti-trafficking messages on government-sponsored television raised awareness of the problem. All relevant ministries participated in an IOM-coordinated Counter Trafficking Steering Committee and the IOM, with some support from foreign governments, continued its campaign to increase awareness of the problem.